

## **REMARKS**

Claims 1, 3, 5-14, and 16-37 are now pending in the application. Claims 2, 4 and 15 have been cancelled. Claims 1, 3, 5, 8, 14, 16, 18, 25, 31, 32, 35 and 36 have been amended. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

## **SPECIFICATION**

Paragraph [0019] has been amended to correct a reference numeral inconsistency.

## **REJECTION UNDER 35 U.S.C. § 112**

Claims 16-20 and 36 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner has noted that in claim 16, the phrase "said second blister portion ... extending into said second extension portion is inaccurate and indefinite. It appears that the separator includes a second hub which extends into said second extension portion". Further, the Examiner has stated in claim 19 it is not clear if the first hub and second hub are the hubs on the separator or on the first and second extension portions.

For clarity, Applicants have reproduced a portion of the specification and underlined the terms in question below. Applicants note that the separator 52 provides a front hub 54. The front hub 54 cooperatively engages the front hub connector 32 of the front blister portion 12 (see e.g. FIG. 3; Paragraph [0018]). Further, the rear blister portion 14 includes a rear extension portion 26. A rear hub 34 centrally extends from

the rear extension portion 26 (see e.g. FIG. 3; Paragraphs [0016] and [0017]). A rear hub acceptor 64 extending rearwardly from the separator 52, cooperatively engages the rear hub 34 of the rear blister portion 14 (see e.g. FIG. 3; Paragraph [0019]). Accordingly, Applicants submit that the subject matter of claim 16 is accurate and consistent with the disclosure.

Finally, the Examiner has noted that claim 36 lacks antecedent basis for the limitation "said first hub and said second hub". As a result, Applicants have amended claim 36 to be dependant upon claim 35.

In view of the above discussion and amendment, Applicants respectfully request withdrawal of the rejection.

#### **ALLOWABLE SUBJECT MATTER**

Applicants acknowledge the Examiners indication that claims 15 – 24, 26 – 30 and 35 – 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have written claim 15 in independent form (currently amended claim 14). Applicants wish to preserve the opportunity to amend the remaining dependent claims at a later time.

#### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-5, 8, 11, 13 and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rackley (U.S. Pat. No. 5,078,266). This rejection is respectfully traversed.

At the outset, Applicants note that independent claims 1 and 25 include the limitations "a first blister portion" and "a second blister portion". Applicants submit that the term "blister" as used in the art with respect to packaging refers to a molded thin sheet of plastic exhibiting generally uniform wall thickness (see e.g., FIG. 4). Rackley at best provides a saw blade housing 10 having a base 11 hingedly mounted to a lid 12. The base 11 includes a cavity 15 and the lid 12 includes a cavity 16. As illustrated in FIGS. 3 and 4, the base 11 and the lid 12 each comprise an interior surface and an exterior surface, respectively. As a result, both the base 11 and the lid 12 of Rackley present non-uniform wall sections outboard of the respective cavities 15 and 16. Applicants submit that Rackley does not teach or suggest blister portions as claimed in the present invention.

Further, claim 1 has been amended to recite, said separator including a first hub arranged thereon extending into said first extension portion and cooperatively coupled with a hub connector formed on said first blister portion, said first hub received through a mounting aperture of said first disk shaped article. Applicants respectfully submit that Rackley does not teach or suggest such features. A first tubular boss 34 extends upwardly beyond a base interior surface 13 to accommodate reception of a second tubular boss 36 therewithin to maintain alignment of the lid 12 and base 11 in a closed position.

As illustrated in FIG. 5 of Rackley, an adapter block member 37 defines a generally square parallelepiped configuration. The adaptor block 37 includes a central bore 38 to complementarily receive the first tubular boss 34 therethrough to accommodate circular saw blades whose central opening utilizes a diamond type

opening for alignment within an associated circular saw (see e.g. Col. 4, Lines 46 – 53). While the Examiner has referred to the adapter block member 37 as a “separator”, Applicants respectfully submit that the adapter block does not separate adjacent blades, but rather, simply provides a wide mounting post adaptor block for receipt within a diamond opening in a saw blade. In contrast, the instant invention, as claimed, provides a separator disposed in an inner space between said first and second articles. Accordingly, reconsideration and withdrawal of the rejection of claims 1 – 5, 8, 11 and 13 are respectfully requested.

With respect to claim 25, Applicants have amended claim 25 to recite a unitary insert card disposed in said inner space and “comprising a first portion positioned at least partially on a first side of said first disk shaped article” and “a second portion positioned at least partially on a second side of said first disk shaped article; and a connecting portion extending between said first and second portion”. The Examiner has stated that Rackley provides “an insert card (41a & 45) disposed in said inner space”. Applicants submit that as illustrated in FIGS. 6 – 8, reference numeral 41a identifies a cover for cooperating with an elastomeric band loop 45. The cover 41a lies on a first side of the blade while the elastomeric band loop 45 locates around an opposite side of various teeth of the blade (FIG. 8). However, the cover 41a is not unitary and comprised of first and second portions, with a connecting portion extending therebetween, as claimed. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1, 6-7, 11, 13 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by German, III (U.S. Pat. No. 6,868,966). This rejection is respectfully

traversed. German provides a saw blade package 10 having a front panel 12 and a back panel 14 for accommodating saw blades 16 and 18 therebetween. The front panel 12 includes a first and second saw blade receiving portion 20 and 22. The receiving portions 20 and 22 have a depth such that the blades contact one another when positioned in the receiving portions 20 and 22. The Examiner refers to reinforcement ribs 46 and 48 as a separator. However, the reinforcement ribs 46 and 48 simply provide rigidity to the back panel 14 and are not disposed between the blades (see e.g., Col. 2, Lines 56 – 59). As a result, Applicants respectfully submit that German does not provide a display package having a separator disposed between first and second articles as claimed in the instant invention. Accordingly, reconsideration and withdrawal of the rejection of claims 1 – 5, 8, 11 and 13 are respectfully requested.

With respect to claim 14, Applicants have amended claim 14 to include the limitations of claim 15. Applicants note that the Examiner has indicated that claim 15 would be allowable if written in independent form. Accordingly, claim 14 includes "a separator disposed in said inner space between said first and second disk shaped articles, said separator comprising a first hub arranged thereon extending into said first extension portion". As a result, reconsideration and withdrawal of this rejection are respectfully requested.

Claim 14 is rejected under 35 U.S.C. § 102(b) as being anticipated by Pozzoli (U.S. Pat. No. 5,743,390). This rejection is respectfully traversed. Applicants note that claim 14 has been amended to recite "a second blister portion coupled to said first blister portion and movable between opened and closed positions ... whereby said laterally offset extension portions provide simultaneous viewing of respective first and

second disk shaped articles through one of said first and second blister portions in said closed position". Applicants respectfully submit that Pozzoli does not teach or suggest such features. Pozzoli at best provides a container 1 for housing compact discs having an outer case 2 provided with a front flap 3a which is connected by a spine 3b, to a rear flap 3c. The container 1 includes a first region 20 for accommodating a first compact disc 21 and a second region 30 for accommodating a second compact disc 31. A swing out frame 40 is provided at the second region 30. To view the compact discs, the front flap 3a must be rotated from a closed position (FIG. 1), to an open position (FIG. 2). The instant invention requires the laterally offset extension portions to provide simultaneous viewing of respective first and second disk shaped articles through one of the first and second blister portions in said closed position.

Applicants further submit that Pozzoli does not teach or suggest a first blister portion and a second blister portion as discussed above and as claimed in claim 14. Instead, as illustrated in FIG. 3, the second region 30 has a thickness for supporting the compact disk 31. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 1-5, 8 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Chen (U.S. Pat. No. 5,477,960). This rejection is respectfully traversed.

Chen at best provides a compact disc case including an integrally formed foldable cover 10 having a first part 20, a second part 30 and a middle part 40, and a separation plate 50 mounted to the cover 10 at the middle part 40. The first part 20 has a first holding element 22 formed at a center of an inner face for holding a compact disc 60. The second part 30 includes a second holding element 32 for holding a second

compact disc 62. The plate 50 comprises a third and fourth holding elements 52, 54 for holding a third and fourth compact disc 64 and 66, respectively. As illustrated in FIG. 4, the respective holding elements 22, 32, 52 and 54 maintain an uncoupled, adjacent relationship. In contrast, the instant invention, as recited in amended claim 1, provides a display package having a separator including a first hub cooperatively coupled with a hub connector formed on the blister portion. The configuration of Chen does not provide a first hub cooperatively coupled with a hub connector.

Applicants further submit that Chen does not teach or suggest a first blister portion and a second blister portion as discussed above and as claimed in claim 1. As best illustrated in FIG. 2, the compact disc holder of Chen presents a non-uniform wall thickness (see e.g., first and second holding elements 22 and 32 and ribs formed on the first part 20 and the second part 30 to support a perimeter of discs 60 and 62). Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claims 31 and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by Moser (U.S. Pat. No. 5,950,821). This rejection is respectfully traversed.

Applicants note that claim 31 has been amended to recite "a first stopper integrally formed in said first extension portion ... said first stopper extending to a fixed location inboard from said circumferential boundary into said inner space and cooperating with the first disk shaped article to preclude rotation thereof".

Moser at best provides a compact disk case 10 including a top panel 11 folded over on top of a bottom panel 12. A downwardly extending wall 13 of the top panel 11 is in an abutting, mating engagement with an upwardly extending wall 14 of the bottom panel 12. The top panel 11 includes four connected downwardly extending walls 13,

17, 18 and 19. Similarly, the bottom panel 12 includes four upwardly extending walls 14, 25, 26 and 27. The two opposing walls 14 and 26 include arcuate recesses 28, 29 for accommodating the outer periphery of a disk 16. The arcuate recesses 28, 29 do not extend in a fixed location inboard of a circumferential boundary, rather the arcuate recesses 28, 29 are the circumferential boundary. Furthermore, Applicants submit that the arcuate recesses 28 and 29 do not cooperate to preclude rotation of disks 15 and 16. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 9, 10, 31-34 and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rackley in view of Baumann (U.S. Pat. No. 2,061,426). This rejection is respectfully traversed.

With respect to claim 31, Applicants maintain that the amendments made to claim 31 to recite “a first stopper integrally formed in said first extension portion ... said first stopper extending to a fixed location inboard from said circumferential boundary into said inner space” define over Rackley alone and in combination with Baumann. Baumann does not provide a stopper integrally formed in an extension portion. Explained further, Baumann provides side members that contact opposite faces of a semicircular ring segment 18 which is fixedly secured to members 17 by any suitable means such as cement, fusion contact or the like (Col. 2, Lines 38 – 43). As such, the configuration of the instant invention provides a single piece (the first extension portion) for receiving a disk shaped article as well as providing a stopper to preclude rotation of

the disk shaped article. The display package of the instant invention eliminates a secondary component (ring segment 18) and a secondary joining step during manufacturing.

Furthermore, as discussed above, Rackley does not teach or suggest a first and second blister portion. Similarly, Baumann does not teach or suggest a first and second blister portion. Rather, side members 17 are planar and are captured by spring clips 23 on opposing ends (FIG. 2).

Regarding claims 9 and 10, Applicants respectfully submit that the amendments and related discussion provided for claim 1 places these claims in condition for allowance. Similarly, Applicants respectfully submit that the amendments and discussion with respect to claim 31 places claims 32 – 34 and 37 in condition for allowance.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Rackley in view of Byrne et al. (U.S. Pat. No. 6,626,290). This rejection is respectfully traversed. Applicants respectfully submit that the amendments and discussion related to claim 1 above places claim 12 in condition for allowance.

Claims 9-10, and 31-34 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Shindo et al. (U.S. Pat. No. 6,837,370). This rejection is respectfully traversed.

Again, claim 31, as amended recites a first stopper integrally formed in said first extension portion ... said first stopper extending to a fixed location inboard from said circumferential boundary into said inner space. Shindo at best provides spring elements 25 formed around a recess 14. Applicants submit that the underlying

motivation of the spring elements 25 of Shindo are to restrain the disc D from slipping out of the recess 14 (Col. 5, Lines 28 – 30) not to preclude rotation of the disc like the present invention. The spring elements 25 have elasticity such that they can be deformed by being pushed by the outer peripheral portion D1 of a disc as the disc is inserted into the recess 14. The spring elements 25 can be restored to their original state when the disc D is held in the recess 14 (see e.g., Col 6, Lines 49 – 53). As the disc D is inserted into the recess 14, the spring elements 25 bend so that the outer peripheral portion D1 of the disc D get inside protuberances 26 (FIG. 5). The integrally formed stopper of the present invention extends to a fixed location inboard from the circumferential boundary. Applicants further submit that Shindo fails to disclose or suggest a first and second blister portion as claimed in the instant invention. As depicted in FIG. 5 of Shindo, a non uniform wall thickness is provided (see e.g., supporting portion 20 and spring portion 21). Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen in view of Byrne et al. This rejection is respectfully traversed. Applicants respectfully submit that the amendments and discussion related to claim 1 above places claim 12 in condition for allowance.

#### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is

believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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